

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Eder et al.
Application No.:	10/612030
Filed:	July 1, 2003
For:	Expandable Coil Stent
Examiner:	Suzette Jamie Jackson
Group Art Unit:	3731

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Docket No.: S63.2N-9703-US02

TERMINAL DISCLAIMER TO OBLVIAE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT

The owner, SciMed Life Systems, Inc. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior patent No. 6,585,753. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it, and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C.154 and 173 of any of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

10/20/2004 RLLOYD 00000006 220350 10612030

01 FC:1814 110.00 DA

PAGE 67 * RCVD AT 10/12/2004 12:05:03 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/5 * DNIS:8728306 * CSID:9525633001 * DURATION (mm:ss):02:04